

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE MIDDLE DISTRICT OF ALABAMA  
EASTERN DIVISION

ELIJAH McCANT FINLEY, )  
Plaintiff, )  
v. ) CIVIL ACTION NO. 3:07-CV-280-MEF  
JAY JONES, et al., ) [WO]  
Defendants. )

## **RECOMMENDATION OF THE MAGISTRATE JUDGE**

On April 3, 2007, Elijah McCant Finley [“Finley”], a county inmate, filed the instant 42 U.S.C. § 1983 action challenging actions taken against him during his confinement in the Lee County Detention Facility. The order of procedure entered in this case required Finley to immediately inform the court of any change in his address. *Order of April 19, 2007 - Court Doc. No. 5* at 5. On May 29, 2007, the court entered an order, a copy of which the Clerk mailed to Finley. The postal service returned this order because Finley no longer resided at the address he had provided to the court for service. In light of the foregoing, the court entered an order requiring that on or before June 22, 2007 Finley show cause why his case should not be dismissed for his failure to provide this court with his present address. *Order of June 12, 2007 - Court Doc. No. 9*. The court specifically cautioned Finley that failure to comply with the directives of this order would result in a recommendation that this case be dismissed. *Id.* The plaintiff has filed nothing in response to the June 12, 2007 order.

The court therefore concludes that this case is due to be dismissed.

### **CONCLUSION**

Accordingly, it is the RECOMMENDATION of the Magistrate Judge that this case be dismissed without prejudice for failure of the plaintiff to properly prosecute this action and his failure to comply with the orders of this court. It is further

ORDERED that on or before July 12, 2007 the parties may file objections to the Recommendation. Any objections filed must specifically identify the findings in the Magistrate Judge's Recommendation to which the party is objecting. Frivolous, conclusive or general objections will not be considered by the District Court. The parties are advised that this Recommendation is not a final order of the court and, therefore, it is not appealable.

Failure to file written objections to the proposed findings and advisements in the Magistrate Judge's Recommendation shall bar the party from a de novo determination by the District Court of issues covered in the Recommendation and shall bar the party from attacking on appeal factual findings in the Recommendation accepted or adopted by the District Court except upon grounds of plain error or manifest injustice. *Nettles v. Wainwright*, 677 F.2d 404 (5th Cir. 1982). *See Stein v. Reynolds Securities, Inc.*, 667 F.2d 33 (11th Cir. 1982). *See also Bonner v. City of Prichard*, 661 F.2d 1206 (11th Cir. 1981, *en banc*), adopting as binding precedent all of the decisions of the former Fifth Circuit handed down prior to the close of business on September 30, 1981.

Done this 29th day of June, 2007.

/s/Charles S. Coody  
CHARLES S. COODY  
CHIEF UNITED STATES MAGISTRATE JUDGE